IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18169 of 2004

Between:

S.K. Silks Pvt. Ltd., Rep. by its Director Mr. V. Nagabhushanam,
S/o Late V. Venkateshwara Rao, Aged 33 years, Occ: Business,. R/o C/o Pavani Prestige Complex, Shop Unit No. G1 & G2, M.No. 6-3-789, Ameerpet, Hyderabad.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad, Rep. by its Commissioner, Tank Bund, Hyderabad.
2 The Assistant City Planner, Circle - IV, Tank Bund, Hyderabad.
3 The Pavani Prestige Owners' Welfare Association, Rep. by its General Secretary, Zaffar Shah Nawaz , aged 45 years, R/o 701, Pavani Prestige, Ameerpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in going ahead with the demolition of stairs in front of the premises of the Petitioner being G1 and G2 situated in Pavani Prestige Complex, having its premises M.No. 6-3-789, Ameerpet, Hyderabad, without issuing notice as arbitrary, illegal and violative of Article 14, 21 and principles of Natural Justice

For the Petitioner: MR.D.JAGAN MOHAN REDDY, Advocate

For the Respondent Nos.1 and 2: SMT.G.JYOTHI KIRAN, Standing Counsel

The Court at the stage of admission made the following :

ORAL ORDER:

The petitioner claiming to be the tenant of G1 and G-2 in Pavani Prestige Complex having its premises bearing M.No.6-3-789 Ameerpet, Hyderabad having obtained the premises on lease under two registered lease deeds dt. 4-3-2003 filed the present writ petition apprehending that respondents may demolish the stairs in front of the petitioner's premises that without following due procedure. It is the further case of the petitioner that on the representation said to have been filed by the third respondent, the first and second respondents are proceeding to demolish the stairs without any notice.

In case, the first and second respondents want to take any action on the representation of the third respondent against the petitioner for causing nuisance to the adjacent owners of the complex, they shall follow the procedure as per law in force for removal of such stair case and without following due procedure, they shall not demolish the stairs in front of the premises of the petitioner.

Having regard to the facts and circumstances of the case, this writ petition is disposed of directing respondents not to demolish the stairs in front of the petitioner's premises ie., G1 and G2 situated in Pavani Prestige Complex M.No.6-3-789 Ameerpet, Hyderabad without following due procedure.

The writ petition is accordingly disposed of.

6-10-2004

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To

1. The Commissioner, Municipal Corporation of Hyderabad, Tank Bund,Hyderabad.
2 The Assistant City Planner, Circle - IV, Tank Bund, Hyderabad.
3. 2 CD copies.